

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Implementation of Section 621(a)(1) of the Cable)	MB Docket No. 05-311
Communications Policy Act of 1984 as Amended)	
by the Cable Television Consumer Protection and)	
Competition Act of 1992)	

COMMENTS OF THE SCHOOL DISTRICT OF PHILADELPHIA

The School District of Philadelphia appreciates the opportunity to file reply comments on the Second Further Notice and Proposed Rulemaking (“FNPRM”) in the above-referenced docket. The School District of Philadelphia, a body corporate and political subdivision formed and existing under the laws of the Commonwealth of Pennsylvania (the “School District”), having administrative headquarters located at 440 North Broad Street, Philadelphia, Pennsylvania 19130-4015, is the Commonwealth’s largest public school system responsible for the educational services of approximately 200,000 K-12 public and public charter school students. The School District operates a 24-hour/7-day per week student-run, student-focused PEG (i.e. public, educational, governmental) television channel licensed and provided under the City of Philadelphia’s two franchise agreements with Comcast Corporation and Verizon Communications. The mission of Philadelphia Schools Television (“PSTV”) is to provide youth of all ages with equal access to media tools, digital and media literacy training, and hands on industry experience in all facets of media and broadcast arts. PSTV (<http://philasd.org/pstv>) is open to and utilized by K-12 youth in Philadelphia including public, charter, diocesan and private school students.

The School District strongly opposes the tentative conclusion in the FNPRM that cable-related in-kind contributions, such as those that allow our programming to be viewed on the cable system, are franchise fees. Even more importantly, through these reply comments, we are compelled to draw attention to the extreme negative impact and detriment that such conclusion could have on Philadelphia's school students and their families.

For nearly three decades, PSTV provided educational programming to the Philadelphia community that allowed parents, guardians and students to have access to a range of School District content, including coverage of local sporting events, graduations, ESL and multilingual programming, messages from the Superintendent, and much more. In 2016, PSTV redirected its mission and underwent a complete transformation, to become a modern, technologically state-of-the-art 100% student-driven, student-focused broadcast facility and media program. By transforming PSTV, the School District has been able to provide media arts and technology support, as well as access to more students than ever in its history. PSTV provides students an innovative multimedia space where any and all grade levels can come together to share ideas, collaborate and garner hands-on experience in a safe instructional environment. PSTV offers K-12 students both daytime and after-school programming, which as just a small sampling, includes: studio production, studio operations, field production, audio/mixing and engineering using Apple's Logic Pro and GarageBand software, script writing, song writing, and TechGirlz – a program dedicated to middle school STEM training for girls.

In just two years PSTV has provided over 2,000 students with hands-on, educational experiences and opportunities in its industry-standard production studio. It is a fundamental goal of the School District to increase media and digital literacy for K-12 students throughout Philadelphia. To demonstrate, our students had a chance to participate in valuable, real-world

experiences such as during Philadelphia's hosting of the Democratic National Convention ("DNC") in 2016. PSTV had twenty high school students and five middle school students providing coverage of DNC activities. In 2017, one of our middle school students was provided the opportunity to cover the NFL Draft, and six seniors and five middle school students had the chance to cover the highly acclaimed College Signing Day. Along with many of the major television networks, students were permitted backstage to interview local and national celebrities.

In direct support of the School District's Action Plan and accompanying anchor goals, PSTV places a strong emphasis on students' college and career readiness, regardless of whether they go on to pursue a career in media or broadcast arts. PSTV takes a very strategic approach when partnering with organizations that provide students with the resources and exposure to college and career-ready opportunities. PSTV currently collaborates closely with other School District departments such as the Office of College and Career Technical Education ("CTE") and the Office of Arts and Academic programs. Equally important, PSTV thrives through strong educational partnerships with the Community College of Philadelphia, LaSalle University, Temple University, Drexel University, and WHYY – the Philadelphia area local public broadcast affiliate. PSTV focuses on student collaboration while empowering teambuilding and leadership opportunities that enhance 21st century skills to strengthen our student community to become future leaders.

In furtherance of its mission, PSTV has recently entered into a partnership with the Urban Technology Project ("UTP"). UTP is the nation's longest, continuously operating state-accredited IT apprenticeship and workforce development initiative created through collaboration between the School District of Philadelphia and Communities in Schools of Philadelphia ("CISP"). UTP is comprised of two programs -- the AmeriCorps Digital Service Fellow ("DSF") Pre-Apprenticeship

and the Computer Support Specialist (“CSS”) Apprenticeship, which is a nationally recognized technology apprenticeship program by the U.S. Department of Labor. UTP programs prepare Philadelphia young adults, ages 17-24, for a career in a variety of technology fields by providing them with on-the-job experience, related technical instruction, college courses, and industry certifications.

Through the PSTV/UTP partnership, the School District has developed a Digital Media Apprenticeship career track. The Digital Media Apprenticeship employs apprentices interested in the media and broadcast arts and exposes them to multimedia tools, digital and media literacy, industry practices and 21st century skills. Apprentices will participate in audio/visual projects that introduce them to professional audio and video equipment, production workflow processes, budgeting, and graphic design software, to include Adobe’s Premiere CC certification. Apprentices will develop a working portfolio highlighting real-world projects equal to at least three years of experience. This apprenticeship is currently offered to young adults between ages 18-24, but the School District is currently adapting this model and developing it as a pre-apprenticeship for high school students in 10th through 12th grades.

During the school year PSTV is also responsible for airing dozens of public Philadelphia Board of Education meetings and special hearings. This provides not only an opportunity to train students in live production but also exposes them to the democratic process in action at our local education institutions.

In 2017, PSTV created a pilot program known as “Media Hubs” that placed media labs and technology into five public schools, utilizing a portion of the School District’s annual cable franchise fees. Through this initiative, these five schools produced more than 100 pieces of diverse digital media programming. Student-designed videos are aired on the PSTV channel, which runs

24 hours per day. Video content highlighted the Philadelphia student body and the many issues that students faced at the time; they also covered events at their schools that they wanted to showcase to their local community. By the end of school year 2018-2019, twelve public schools will have fully operational Media Hubs. In order to ensure a successful and sustainable model, school-based educators applied and underwent a rigorous vetting process before they were selected for Media Hub resources. Public schools were selected and teachers were trained in media programming and provided with media equipment that could be used as part of their curriculum or as an after-school resource for students. PSTV Media Hubs provide direct resources to students in K-12 that they may not otherwise have access or exposure to. A dedicated and experienced PSTV staffing team works closely with schools to ensure proper use and distribution of content on the broadcast channels provided by our cable providers under the City of Philadelphia's cable franchise agreement. The School District has made a commitment through the use of the annual cable franchise fees that it receives, to establish Media Hubs in all 220 public schools over a 15-year period.

In order to provide context, in 2015 the Comcast Corporation and the City of Philadelphia negotiated and reached agreement on cable franchise fees that included a strong focus on PEG access. Philadelphia's K-12 public educational access channel (i.e. PSTV) was allotted an annual payment of \$300,000, over a 15-year span, to manage and facilitate a fully equipped production broadcast studio, employ staff, and place media technology directly into schools, all while producing original media content for the PSTV channel. To reinforce its commitment to the transformation and importance of PSTV and its new student-focused role, the School District engaged the services and employment of an experienced, highly motivated station manager coming from a successful California Bay Area PEG consortium, and raised significant funding to

build a 21st-century broadcast/media arts program, including an industry-standard 4K-capable broadcast studio and production facility, recording studio, media training center, and student performance center.

To highlight the importance and necessity of PSTV and its impact on the lives of students in Philadelphia, according to Pew Charitable Trust research released in 2017, “Poverty is one of Philadelphia’s most enduring problems. At 25.7 percent, the poverty rate is the highest among the nation’s 10 largest cities. About 400,000 residents - including roughly 37 percent of the city’s children under the age of 18 - live below the federal poverty line, which is \$19,337 in annual income for an adult living with two children. And nearly half of all poor residents are in deep poverty, defined as 50 percent below the federal poverty line.”¹

PSTV is a critical resource to students throughout the School District of Philadelphia, as well as to Philadelphia’s K-12 charter, diocesan, and private school communities. Not only does PSTV provide children and young adults with a multitude of platforms and programs but it also exposes students to hands-on activities and educational resources they may not otherwise have access to, provides a safe environment where they can create educational content to air on the public cable channel, and acquaints them with career opportunities they may not have been aware of.

A reduction or complete loss of funding under the City of Philadelphia’s current cable franchising would be incredibly detrimental to the School District’s ability to continue providing educational access services to our student community. This funding provides vital access to media production equipment, technology resources, and a broadcast venue for all students, and especially to those that are economically disenfranchised in the Philadelphia community. Cable franchise

¹ Philadelphia’s Poor: Who they are, where they live, and how that has changed; November 2017 – A Report from the Pew Charitable Trusts

funding also supports training and education programs for youth during school hours, after school, and through summer programming and internships. Most importantly, an interruption in this funding would target and eliminate a wide array of existing and proven opportunities for the most important segment of our population: our children and young adults.

It has been a long-standing agreement to include the provision of cable access channels as part of the public interest obligation for a cable company's use of the public right-of-way, in addition to the franchise fee payment. Without these funding provisions and PEG channel capacity, students/individuals outside of the commercial broadcast industry will not have the ability to use professional/industry standard production studios and equipment to aid in sharing their stories, increase civic engagement, and provide a local voice and coverage to their community.

The School District of Philadelphia and PSTV reject the notion in the FNPRM that PEG programming is for the benefit of the Local Franchising Authority ("LFA") or a third-party PEG provider like PSTV. Rather, PEG programming directly benefits the cable consumer and larger local community. In many communities, PEG channels and their respective educational access channels are the only source for locally produced content by youth. In other communities with more local broadcast affiliates, PEG channels remain the only source for locally produced content that is not commercially viable and that provides opportunities for all people to have an equal voice on a multichannel video distribution platform.

The 2011 FCC Report, "The Information Needs of Communities: The Changing Media Landscape in a Broadband Age", notes, "In a 2004 survey, 79 percent of the public television licensees indicated, 'the amount of local programming they currently produce is not sufficient to meet local community needs.'" The report further states that, in terms of local TV news, "Topics like education, health care, and local government get relatively small amounts of coverage these

days”. In a 2009 study of Los Angeles newscasts by the Norman Lear Center at the USC Annenberg School for Communication and Journalism, such topics took up just a little over one minute of the 30-minute broadcast. Another study of local broadcasters in 175 cities revealed that “city government received about one-third less television coverage than crime stories did”. Other studies have discovered a similar pattern.

Local public, educational, and governmental access channels provide curated channels for people to engage with and watch locally produced programming about their community. The 2009 Knight Commission on the Information Needs of Communities in a Democracy Report “Informing Communities: Sustaining Democracy in the Digital Age” states “Information is essential to community vitality. Local information systems should support widespread knowledge of and participation in the community’s day-to-day life by all segments of the community. To achieve the promise of democracy, it is necessary that the creation, organization, analysis, and transmission of information include the whole community”. PEG channels remain a vital component of meeting the information needs of our communities and democracy. In order to provide their service and operate their business models, cable communications companies rely upon the access to the public right-of-way. Without the ability to use the public right-of-way, these companies could not operate. The public interest provision of PEG channels is a minor cost for the ability of these companies to conduct business through use of the public right-of-way. Public access channels are the only means for anyone and everyone in our communities to have an equal voice and ability to participate in the creation and transmission of information over multi-channel video distribution systems.

Yet, the Commission tentatively concludes that non-capital PEG requirements should be considered franchise fees because they are, in essence, taxes imposed for the benefit of LFA’s or their designated PEG providers. By contrast, the FNPRM tentatively concludes that build-out

requirements are not franchise fees because they are not contributions to the franchising authority. The FNPRM then requests comment on “other requirements besides build-out obligations that are not specifically for the use or benefit of the LFA or an entity designated the LFA and therefore should not be considered contributions to an LFA.”²

PEG programming fits squarely into the category of benefits that do not accrue to the LFA or its designated access provider, yet the Commission concludes without any discussion of the public benefits of local programming that non-capital PEG-related provisions benefit the LFA or its designee rather than the public at large.

We appreciate the opportunity to add to the record in this proceeding, and ask the Commission to protect PEG channels in our and other communities, while maintaining and protecting the investment in the educational and career opportunities for our students by choosing not to adopt many of the proposals in the FNPRM.

Respectfully submitted,

The School District of Philadelphia

December 14, 2018

² FNPRM ¶ 21.